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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,801	06/20/2000	James A. Jorasch	00-032	5985
22927	7590	04/06/2004	EXAMINER	
WALKER DIGITAL FIVE HIGH RIDGE PARK STAMFORD, CT 06905			CHERUBIN, YVESTE GILBERTE	
		ART UNIT	PAPER NUMBER	
		3713		

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/597,801	JORASCH ET AL.
Examiner	Art Unit	
Yveste G. Cherubin	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 February 2004.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-29 and 72-91 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-29, 72-91 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

1. This office action is in response to the Amendment filed November 6, 2003. Claims 1-29, 72-91 are pending.

***Allowable Subject Matter***

2. The indicated allowability of claims 13, 73-79, 81-85, 87-91 is withdrawn in view of the newly discovered reference(s) to Chapet et al. (US Patent No. 6,264,109) and Orus (US Patent No. 5,706,925). Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- a. Claims 1-12, 14-16, 18-29, 72, 80, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet et al. (US Patent No. 6,264,109) in view of Bonifas (of record).

Regarding claims 1, 21, 25 Chapet discloses a gambling chip in the form of token/s containing an electronic chip, 1:5-15. So-called chips are currently well known in the art (they are devices consisting of a number of connected circuit elements, such as transistors and resistors, fabricated on a single chip of silicon crystal or other semiconductor material). Chapet discloses his device comprising an electronic circuit

incorporating a memory capable of being a re-programmable (reading/writing) device, 5:3-24. Although Chapet discloses the capability of having a numerical value associated with his gaming token, Chapet fails to disclose associating a first non-zero value with his gaming token and at event detection, associating a second non-zero value being different from the first non-zero value. Bonifas teaches an analogous art using a gambling chip in the form of a card containing an electronic chip. The electronic card of Bonifas comprises a re-recordable (re-programmable) memory, 2:1-2. Bonifas discloses associating a non-zero value with his card, 1:48-51, 1:63-66, 2:13-16, and wherein a subsequent non-zero value is associated to the gaming card at the detection of an event (card insertion), 2:13-20, 3:36-52, 4:31-35, 47-52, 5:28-31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Chapet to include the value modification feature as taught by Bonifas in order to save time and raise up the use of the gaming machines.

Regarding claims 2, 22 Bonifas discloses a gaming chip including a memory, and the associating steps respectively including storing the first and second (initial and subsequent) values in the memory, 5:29-31.

Regarding claims 3, 24, it would have been obvious to one of ordinary skill in the art to include a database means storing the values corresponding to the gaming tokens for inventory, security and authenticity reasons.

Regarding claims 4, 27, Bonifas discloses the detected event being insertion of the gambling chip in a gaming device, 4:27-28.

Regarding claims 5, 7, 9, 11, 26, Bonifas discloses the gaming device being a slot machine as shown in Fig 1.

Regarding claim 6, one of skill in the art would have been motivated to configure the system as such in order to encourage long period of play.

Regarding claim 8, Bonifas discloses various detectable events capable of changing the value of the gaming chip/token, having the detected event being a number of times that a player has played a gaming device would have been an obvious matter of design choice. Such feature would enhance player encouragement to play the gaming device.

Regarding claims 10, 28, 80, Bonifas discloses a system wherein the detected event being discharging of the gaming token from a gaming device, 2:21-24.

Regarding claim 12, Bonifas discloses a system wherein the detected event is placing the gaming token in proximity to a value-changing device, 3:14-21.

Regarding claim 14, Bonifas discloses the second non-zero value being greater than the first non-zero value when the player gains gaming session, 2:17-19, 5:6-18.

Regarding claim 15, Bonifas discloses the second non-zero value being lower than the first non-zero value when the player loses gaming session, 5:6-18.

Regarding claim 16, Bonifas discloses displaying the at least one of the values, 4:58-60.

Regarding claims 18, 23, 86 Chapet discloses a gambling chip including a memory storing an identifier, 1:48, 5:7. Receiving the token identifier would have been obvious. Such feature would facilitate inventory.

Regarding claims 19-20, Bonifas discloses transmitting the second non-zero value to the gaming machine, 2:17-24, 3:48-51, 5:29-41 and receiving the second non-zero value from the gaming token/chip, 2:17-19, 4:47-51.

Regarding claim 29, Chapet discloses associating an identifier with his gambling chip, 5:3-10, wherein the identification information is related to a person/player. Player tracking system is an old and well known feature where gambling devices contain identification associated with player. Having the detecting means including a player tracking system would have been an obvious matter of design choice. Such feature would prevent fraud and enhance security.

Regarding claim 72, Bonifas discloses a device in the form of a memory mounted in the gambling chip for outputting a signal detectable by a holder of the gambling chip to indicate a status of the gambling chip via a display (7), 4:58-60.

b. Claims 13, 17, 73-78, 81, 82, 87-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet et al. in view of Bonifas as applied to claims 1-12, 14-16, 18-29, 72, 80, 86 above, and further in view of Modler (of record).

Regarding claims 17, 73, Chapet in view of Bonifas disclose the claimed invention as substantially as explained above. Chapet in view of Bonifas fail to disclose a display mounted in the gaming token, the display device being switchable between a first display status and a second display status different from the first display status. Modler discloses a gambling chip displaying the value on the top surface, as shown in Fig 2, 3. It would have been obvious to one of ordinary skill in the art to incorporate the display feature into the gambling chip as taught by Modler into the Chapet in view of Bonifas type device in order to allow quick and easy view/identification of the value of the gambling chip, therefore avoiding the need of inserting it into a gaming machine to determine its value, and also to avoid counterfeiting. As for switching between a first display status and a second display status, Bonifas discloses recording the value of the gambling chip in its memory every time it's updated, 5:28-31. Therefore switching the display status from a first to a second display status different from the first display would have been obvious. Such feature would allow view of the current status of the chip.

Regarding claim 13, it's already shown above that the state of the gambling chip is capable of changing, using magnet to change the state of the gambling chip would have been an obvious matter of design choice.

Regarding claim 74, Bonifas discloses the use of different colors and diameters corresponding to different face values, 1:26-28. Accordingly, the use of different colors corresponding to different display status would have been obvious.

Regarding claim 75, Bonifas discloses the minimum value being a zero value, displaying the display value as a blank display would have been obvious. Such feature would indicate that there's no monetary value associated to the gambling chip displayed then.

Regarding claims 76, 89, displaying the first display status and the second display status in alphanumeric readout would have been obvious since the display status is related to monetary value.

Regarding claims 77, 78, including a LED or LCD display in an electronic device is old and well known. With the gambling chip being an electronic chip, including a light emitting diode or a liquid crystal display would have been obvious. Such feature would enhance the visual output of the device.

Regarding claims 81, 87-88, it has been stated above that Chapet discloses the capability of including an identifier in a gambling chip, 5:3-10. On the other hand, Bonifas discloses the use of a gambling chip reader capable of reading various data elements, 2:59-61. Bonifas further discloses determining on the basis of the read token identifier whether a prize has been won and displaying result of the determining step, 5:4-17.

Regarding claim 82, it recites the limitations of claim 7, therefore refer to the rejection of claim 7 above for rejection.

Regarding claims 90-91, Bonifas discloses using a slot machine to carry out his invention, as shown in Fig 1 and 2. Slot machines are known to incorporate various types of games such as bingo or drawing game. Accordingly, presenting the game as a bingo or drawing game would have been an obvious matter of design choice.

c. Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet in view of Bonifas and further in view of Orus et al. (US Patent No. 5,706,925).

Regarding claim 79, Chapet in view of Bonifas disclose the claimed invention as substantially as explained above. Chapet in view of Bonifas fail to disclose including a sound emitting device on the gaming token. Orus discloses a token including a sound emitting device, mounted on the gaming token for emitting at least one sound indicative of a status of the gaming token, 1:65-67, 2:1-2. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to include the sound teaching into the Chapet in view of Bonifas type device in order to provide audible feedback to players.

d. Claims 83-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet in view of Bonifas and Modler, and further in view of Orus et al. (US Patent No. 5,706,925).

Regarding claims 83-85 Chapet in view of Bonifas and Modler disclose the claimed invention as substantially as explained above. However, they fail to disclose a reading comprising receiving a signal transmitted from the gaming token and receiving a signal transmitted via wireless communication from the gaming token and optically scanning the gaming token. Orus discloses a gaming device comprising the use of a token and wherein the reading comprises receiving a signal transmitted from the gaming token, 5:20-37 and receiving a signal transmitted via wireless communication from the gaming token 5:25 and optically scanning the gaming token, 5:19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the transmission teaching as taught by Orus into the Chapet in view of Bonifas and Modler type device in order to check the authenticity of the gaming chip/token.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. US Patent No. 5,216,234 to Bell, which teaches token having minted identification codes.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-29, 72-91 have been considered but are moot in view of the new ground(s) of rejection.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, T. Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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